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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MERIT CAPITAL GROUP, L.L.C.,

Plaintiff,

- against -

TRIO INDUSTRIES MANAGEMENT, L.L.C., et al.,

Defendants.

04 Civ. 7690 (RCC)

ORDER

RICHARD CONWAY CASEY, United States District Judge:

WHEREAS, when the parties appeared before the Court on September 22, 2006, the Court instructed the parties to conclude any remaining discovery issues as soon as possible; and

WHEREAS, to that end, the Court instructed the parties to call United State Magistrate Judge Ronald L. Ellis' chambers no later than Monday, September 25, 2006 to set up a conference with Judge Ellis; and

WHEREAS, the parties appeared before Judge Ellis on September 28, 2006 to discuss discovery issues; and

WHEREAS, thereafter, the parties were scheduled to appear before Judge Ellis for settlement conferences on November 2, 2006 and January 11, 2007, but these appearances were adjourned at the behest of the parties; and

WHEREAS, the discovery referral for Judge Ellis expired December 22, 2006; and

WHEREAS, new issues have arisen between Trio Industries Holdings LLC and its counsel that impact the progress of this litigation;

IT IS HEREBY ORDERED that the status conference previously scheduled for March 23, 2007 before Judge Casey is adjourned. By separate order, this case is being rereferred to Judge Ellis for the outstanding general pre-trial matters, including settlement. Additional delays by the parties will not be tolerated. The next status conference before Judge Casey is scheduled for June 1, 2007.

So Ordered: New York, New York
March 22, 2007



Richard Conway Casey, U.S.D.J.